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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|---------------------------|---------------------|------------------|
| 09/844,420 | 04/27/2001 | Ian Michael Charles Shand | CISCP207 | 1366 |
| 22434 | 7590 | 09/07/2004 | EXAMINER | |
| BEYER WEAVER & THOMAS LLP P.O. BOX 778 BERKELEY, CA 94704-0778 | | | BLAIR, DOUGLAS B | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 2142 | |

DATE MAILED: 09/07/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|------------------------|---------------------|--|
| Office Action Summary | Application No. | Applicant(s) | |
| | 09/844,420 | SHAND ET AL. | |
| | Examiner | Art Unit | |
| | Douglas B Blair | 2142 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 27 April 2004.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-50 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-50 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

| | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) ✓ | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ . |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>1/29/2002</u> ✓ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 12 and 17 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 12 recites the limitation "the link state database" in line 20 of page 27. There is insufficient antecedent basis for this limitation in the claim.

Claim 17 recites the limitation "the third message" in 18 of page 28. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-50 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent Number 5,742,820 to Perlman et al..

As to claim 1, Perlman teaches a method for a network node connected to one or more neighboring nodes in a network to acquire link state information from one or more neighboring nodes, the method comprising: transmitting a first message from the network node to a first

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neighboring node, the first message referencing dummy link state information (col. 6, lines 46-56); receiving a second message from the first neighboring node, the second message referencing dummy link state information, the second message corresponding to an acknowledgement of receipt of the first message by the neighboring node (col. 7, line 56-col. 8, line 21); receiving one or more link state packets from the neighboring node, the one or more link state packets corresponding to network link state information (col. 7, line 56-col. 8, line 21).

As to claim 2, Perlman teaches the method of claim 1, wherein the network node is ignoring the second message (col. 7, line 56-col. 8, line 21).

As to claim 3, Perlman teaches the method of claim 1, wherein the first and second messages are IS-IS messages (col. 6, lines 46-56).

As to claim 4, Perlman teaches the method of claim 1, wherein the first message is a Complete Sequence Numbers Packet (col. 6, lines 46-56).

As to claim 5, Perlmann teaches the method of claim 1, wherein the second message is a Partial Sequence Numbers Packet (col. 6, lines 46-56).

As to claim 6, Perlman teaches the method of claim 1, further comprising transmitting a third message form the network node to a second neighboring node, the third message referencing dummy link state information (col. 7, line 56-col. 8, line 21).

As to claim 7, Perlman teaches the method of claim 6, further comprising transmitting a fourth message from the network node to the first neighboring node, the fourth message containing no reference to dummy link state information and directing the first neighboring node to transmit link state information not reference in the fourth message to the network node (col. 7, line 56-col. 8, line 21).

As to claim 8, Perlman teaches the method of claim 1, further comprising receiving link state information and populating a link state database with the link state information (col. 7, line 56-col. 8, line 21).

As to claim 9, Perlman teaches the method of claim 1, further comprising using the link state information to generate a routing table (col. 7, line 56-col. 8, line 21).

As to claim 10, Perlman teaches the method of claim 1, wherein the dummy link state information references a non-existent network node (col. 7, line 56-col. 8, line 21).

As to claim 11, Perlman teaches the method of claim 1, wherein the dummy link state information references a non-existent network node (col. 7, line 56-col. 8, line 21).

As to claim 12, Perlman teaches a method for a network node in a network to request link state information from one or more neighboring nodes, the neighboring nodes coupled with the network node, the method comprising: maintaining in persistent storage information identifying one or more neighboring nodes (col. 6, lines 46-56); restarting the routing control protocol, wherein restarting the routing control protocol clears the a link state database (col. 7, line 56-col. 8, line 21); transmitting heartbeat messages to one or more neighboring nodes, the heartbeat messages containing information from persistent storage identifying the one or more neighboring nodes to indicate that the network node is alive (col. 7, line 56-col. 8, line 21); transmitting a first link state information request message to a first neighboring node, the first link state information request message referencing dummy link state information (col. 6, lines 46-56); transmitting a second link state information request message to a second neighboring node, the second link state information request message referencing dummy link state information (col. 6, lines 46-56).

As to claim 13, Perlman teaches the method of claim 12, further comprising receiving a partial link state information request message from the second neighboring node, the partial link state information request message referencing dummy link state information, wherein receipt of the partial link state information request message acknowledges that the second neighboring node received the second link state information request message (col. 7, line 56-col. 8, line 21).

As to claim 14, Perlman teaches the method of claim 12, wherein transmitting the second link state information request message occurs after transmitting the first link state information request message (col. 7, line 56-col. 8, line 21).

As to claim 15, Perlman teaches the method of claim 12, wherein the first message is a Hello message (col. 6, lines 46-56).

As to claim 16, Perlman teaches the method of claim 12 wherein the second message is a complete sequence numbers packet (col. 7, line 56-col. 8, line 21).

As to claim 17, Perlman teaches the method of claim 1, wherein a message being Partial Sequence Numbers Packet (col. 6, lines 46-56).

As to claim 18, Perlman teaches the method of claim 12, further comprising generating a routing table with the link state packets from one or more neighboring nodes, wherein the routing table is generated when no link state packets have been received for a predetermined period of time (col. 7, line 56-col. 8, line 21).

As to claims 19-25 and 44-50, they have similar limitations to claims 1-7 and are rejected for the same reasons as claims 1-7.

As to claims 26-36, they have similar limitations to claims 1-11 and are rejected for the same reasons as claims 1-11.

As to claims 37-43, they have similar limitations to claims 12-18 and are rejected for the same reasons as claims 12-18.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Douglas B Blair whose telephone number is 703-305-5267. The examiner can normally be reached on 8:30am-5pm Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jack Harvey can be reached on 703-305-9705. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Douglas Blair




JACK B. HARVEY
SUPERVISORY PATENT EXAMINER